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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,968	12/06/2000	Mourad Ben Ayed		6993

7590 07/02/2003

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EXAMINER
ANYASO, UCHENDU O

ART UNIT	PAPER NUMBER
2675	19

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/729,968	BEN AYED, MOURAD	
	Examiner	Art Unit	
	Uchendu O Anyaso	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 June 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-15 and 19-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-15 and 19-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. **Claims 9-15** and **19-22** are pending in this action.

Claim Rejections - 35 USC ' 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 9, 12-15** and **19-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Fujiwara* (U.S. Patent 5,301,222) in view of *Brooks* (U.S. 5,434,371).

Regarding **independent claims 9** and **22**, Fujiwara teaches a portable radio telephone set comprising a main body 1 of a pencil shape that establishes a two-way connection between a calling party and a called party (column 2, lines 19-29, figure 1 at 1; column 1, lines 15-24).

Furthermore, Fujiwara teaches memory means in the form of a pattern ROM 32 for storing patterns of numerical and alphabetic letters, a program ROM 33 for storing a program by which a telephone number signal and a station name signal of the called party are generated, and a RAM 34 for storing the telephone number of a called party and a station name corresponding to the telephone number in the form of pattern signals (column 2, lines 46-58, figure 3 at 32-34).

Also, Fujiwara teaches a processor means in the form of CPU 31 which facilitates comparing the acceleration sequences generated by the information input unit 2 by receiving pulses generated by the ball 11 of the information input unit 2, these pulses are then stored in

RAM 34 to provide a pattern of a letter wherein this pattern is compared to a set of patterns previously stored in the pattern ROM 32 before they are displayed on LCD 3 (column 3, lines 5-33).

Furthermore, Fujiwara teaches a transmitting and receiving apparatus 39 that establishes a two-way connection between a calling party and a called party (column 2, lines 60 through column 3, lines 4, figure 3 at 39).

Furthermore, Fujiwara teaches an information input unit 2 which comprising a ball 11 rotating in an arbitrary direction, encoders 12 and 13, and photo-interruptors 24 and 25 for generating signals indicative of moving distances of the ball 11 in the X-and Y-directions by cooperation with the gears 18 and 19, respectively (column 2, lines 30-40, figure 2 at 2, 11-19).

However, Fujiwara does not teach an accelerometer. On the other hand, Brooks teaches an acceleration sensor 20 within a system for creating artful expressions, including handwritten messages, drawings and other dexterously produced forms which comprises a marking implement having a self contained means of recording the creation wherein the writing implement comprises (column 1, lines 53-61; column 3, lines 30-43, figures 1-3 at 20).

Thus, it would have been obvious to a person of ordinary skill in the art to combine Fujiwara and Brooks because while Fujiwara teaches a transmitting and receiving apparatus 39 that establishes a two-way connection between a calling party and a called party (column 2, lines 60 through column 3, lines 4, figure 3 at 39), Brooks teaches how an acceleration sensor would be included in such a device. The motivation for combining these inventions would have been to design a pen system having accelerometers thereon to monitor the movement of the tip of the pen (column 3, lines 38-43, figure 3 at 20).

Regarding **claims 12 and 13**, in further discussion of claim 9, Fujiwara teaches a ball 11 which serves to activate the portable radio-telephone device (column 3, lines 526, figure 3 at 11).

Regarding **claims 14**, in further discussion of claim 12, Brooks teaches an acceleration sensor 20 within a system for creating artful expressions, including handwritten messages, drawings and other dexterously produced forms which comprises a marking implement having a self contained means of recording the creation wherein the writing implement comprises (column 1, lines 53-61; column 3, lines 30-43, figures 1-3 at 20).

Regarding **claims 15**, in further discussion of claim 12, Fujiwara teaches a processor means in the form of CPU 31 which facilitates comparing the acceleration sequences generated by the information input unit 2 by receiving pulses generated by the ball 11 of the information input unit 2, these pulses are then stored in RAM 34 to provide a pattern of a letter wherein this pattern is compared to a set of patterns previously stored in the pattern ROM 32 before they are displayed on LCD 3 (column 3, lines 5-33).

Regarding **claims 19-21**, in further discussion of claim 9, Brooks teaches an acceleration sensor 20 within a system for creating artful expressions, including handwritten messages, drawings and other dexterously produced forms which comprises a marking implement having a self contained means of recording the creation wherein the writing implement comprises (column 1, lines 53-61; column 3, lines 30-43, figures 1-3 at 20).

Furthermore, Fujiwara teaches a memory means in the form of a pattern ROM 32 for storing patterns of numerical and alphabetic letters, a program ROM 33 for storing a program by which a telephone number signal and a station name signal of the called party are generated, and a RAM 34 for storing the telephone number of a called party and a station name corresponding to the telephone number in the form of pattern signals (column 2, lines 46-58, figure 3 at 32-34).

5. **Claims 10** and **11** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Fujiwara* (U.S. Patent 5,301,222) in view of *Brooks* (U.S. 5,434,371), as in claim 9 above, and further in view of *Lapstun et al* (U.S. 6,474,888).

Regarding **claims 10** and **11**, in further discussion of claim 9, Fujiwara and Brooks do not teach explicitly bluetooth specification within his device. On the other hand, Lapstun teaches a pen including a marking device operative to mark a visible path onto a surface, the marking device being electronically controllable to change at least one attribute of the path, the pen including a user interface whereby a user may modify the at least one attribute, and at least one sensor device capable of sensing images including coded data (column 20, lines 40-45) wherein bluetooth technology would be employed within a pen device (column 20, lines 3-10).

Thus, it would have obvious to combine Fujiwara, Brooks and Lapstun's inventions because while the combination of Fujiwara and Brooks teach a transmitting and receiving apparatus 39 that establishes a two-way connection between a calling party and a called party (column 2, lines 60 through column 3, lines 4, figure 3 at 39) wherein a processor means in the form of CPU 31 facilitates comparing the acceleration sequences generated by the information

input unit 2 by receiving pulses generated by the ball 11 of the information input unit 2, such that the pulses stored in RAM 34 to provide a pattern of a letter wherein this pattern is compared to a set of patterns previously stored in the pattern ROM 32 before they are displayed on LCD 3 (column 3, lines 5-33), Lapstun teaches how a pen device would employ bluetooth technology (column 20, lines 3-10). The motivation for combining these inventions would have been to provide an efficient communication form for the pen device (column 20, lines 3-10).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,307,956 to *Black* for a writing implement for identity verification systems.

U.S. Patent 5,247,137 to *Epperson* for an autonomous computer input device and marking instrument.

U.S. Patent 6,577,299 to *Schiller et al* for an electronic portable pen apparatus and method.

U.S. Patent 5,754,645 to *Metroka et al* for an electronic apparatus having keyless control.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uchendu O. Anyaso whose telephone number is (703) 306-5934. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Uchendu O. Anyaso

06/29/2003

STEVEN SARAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600